Calendar No. 507

98TH CONGRESS
1st Session

SENATE

REPORT
No. 98-287

RELEASE OF REVERSIONARY INTEREST OF THE UNITED STATES IN CERTAIN LAND IN DELAWARE

OCTOBER 31, 1983.—Ordered to be printed

Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, submitted the following

REPORT

[To accompany S. 1503]

The Committee on Agriculture, Nutrition, and Forestry, to which was referred the bill (S. 1503) to release the reversionary clause by the Federal Government on 6.21 acres in the deed to the land conveyed to the State of Delaware September 24, 1954, having considered the same, reports favorably thereon with an amendment and an amendment to the title, and recommends that the bill as amended do pass.

SHORT EXPLANATION

S. 1503 requires the Secretary of Agriculture, on behalf of the United States, to release a condition applicable to 6.21 acres of land in the State of Delaware. The condition that will be released provides that the land must be used for public purposes and if it ceases to be so used the land will revert to the United States. The 6.21 acres that is the subject of S. 1503 is land that had accreted to a larger parcel of land that was previously conveyed by the United States to the State of Delaware subject to the above-stated condition, and, under State law, became State land. Under the bill, the condition can be released only upon certification by the Secretary of the Delaware Department of Natural Resources and Environmental Control that an area of wetlands, marsh, or shore lands within the State of Delaware containing at least 6.21 acres has been dedicated to public purposes.

COMMITTEE AMENDMENT

The Committee amendments to the bill and to the title of the bill are technical in nature, making clarifying and other clerical changes.

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Background and Need for Legislation

In 1937, the United States acquired a 104-acre parcel of land in Sussex County, Delaware, for purposes of the Delaware State Demonstration Forest Project under the jurisdiction of the United States Department of Agriculture. A number of years later it was determined that the land was not needed for that purpose, and in 1954 the tract was conveyed to the State of Delaware as part of a 1,550-acre tract that was conveyed to the State for the purpose of establishing the Assawoman Wildlife Area. The area is located on the coast of Delaware south of Bethany Beach and adjoins Assawoman Bay.

The conveyance of the land to Delaware was made under the authority of section 32(c) of title III of the Bankhead-Jones Farm Tenant Act. That Act requires that any deed of conveyance under title III be conditioned on the land being used only for public purposes. Thus, the deed effecting the 1954 transfer contained a condition establishing the right to reversion of ownership to the United States if the land was ever to cease being used for public purposes.

The 6.21 acres of land with respect to which the public use condition and reversionary clause would be released by the bill is land that had accreted to the 104-acre parcel that was transferred in 1954. Under the Delaware State law of accretion, the 6.21 acres became State land. This 6.21-acre tract was developed into 39 lots by a developer who is now deceased. Thus, the 6.21 acres represent an encroachment by an adjoining private subdivision onto the State land.

The encroachment resulted from an October 1953 private survey for the Bay View Park Subdivision—the plat for which was recorded in 1961. The encroachment became apparent as a result of a comprehensive survey of public lands along the Atlantic coast in Delaware and Maryland. The resulting plat of survey filed in the Sussex County Office of the Recorder of Deeds creates a cloud on the titles of the Bay View Park lot owners. Of the 39 lots on the 6.21 acres, a majority are reported to be improved with dwellings.

Because innocent persons had purchased the 39 lots, and while some had purchased title insurance, others had not, the State of Delaware sought an equitable solution to the problem of the encroachment. Discussions were held with officials of the State of Delaware, the United States Department of Agriculture, the Delaware congressional delegation, representatives of the developer, and local representatives and residents.

The solution arrived at was for the widow of the developer to transfer an 8.0311-acre parcel of land to the State to replace the encroached land. This has been done by deed of March 1, 1983, which is recorded in deed book 1106, page 3, in the Office of the Recorder of Deeds for Sussex County, Delaware. This transfer, however, is contingent on the passage of Federal legislation releasing the reversionary clause. S. 1503, introduced by both Delaware Senators, would accomplish this release. Since the State will thereby be made whole, the present holders of the 39 lots can have their titles cleared by the State. All interested parties are in agreement with this solution. The Committee is not aware of any opposition to this legislation.

Committee Consideration

On September 22, 1983, the Subcommittee on Soil and Water Conservation, Forestry, and Environment, chaired by Senator Jepsen, held hearings on S. 1503. The Honorable John B. Crowell, Jr., Assistant Secretary of Agriculture for Natural Resources and Environment, testified on behalf of the Department of Agriculture. After reviewing the background of the problem, Mr. Crowell testified that because the bill would resolve the encroachment problem and because the State will acquire approximately 8 acres of similar lands which will be dedicated to public purposes, the Department of Agriculture had no objection to the release of the reverter provision.

June D. MacArtor, Delaware Deputy Attorney General in Charge of the Environmental Group, testified in support of the bill. Ms. MacArtor outlined the problem of the encroachment, the efforts of the State and others to arrive at an equitable solution, and how the solution agreed to would be implemented.

A letter to Chairman Helms from the Honorable Pierre S. duPont, Governor of the State of Delaware, supporting enactment of S. 1503 was also included in the record.

On October 19, 1983, the Committee met in open session and considered S. 1503. After an explanation of the bill and discussion by the Committee, the Committee agreed by voice vote to report the bill to the Senate with the recommenndation that it pass.

Section-by-Section Analysis

Section 1 of S. 1503 requires the Secretary of Agriculture, on behalf of the United States, to release to the State of Delaware the condition in the deed of conveyance, dated September 24, 1954, between the United States and the State of Delaware that provides that the land conveyed must be used for public purposes and if it ceases to be so used the land will revert to the United States. The condition would be released only with respect to an approximately 6.21-acre tract of land in Sussex County, Delaware, that is described in section 3 of the bill.

Section 2 of the bill provides that the condition referred to in section 1 could be released only upon certification by the Secretary of the Delaware Department of Natural Resources and Environmental Control to the Secretary of Agriculture that an area of wetlands, marsh, or shore lands within the State of Delaware containing at least 6.21 acres has been dedicated to public purposes. The certification would have to specify the location of the property and set forth a legal description of it. A legal opinion would have to be included with the certification establishing that title to the dedicated property is vested in the State of Delaware and that a restriction of public purpose applies to the dedicated property.

Section 3 describes the 6.21 acres that is the subject of the bill.

Administration Views

As indicated previously, Assistant Secertary of Agriculture John B. Crowell, Jr., testified before the Subcommittee on Soil and Water Conservation, Forestry, and Environment on September 22, 1983, that the Department of Agriculture had no objection to enactment of S. 1503. The portion of Mr. Crowell's statement relating to S. 1503 reads as follows:

> Statement of John B. Crowell, Jr., Assistant Secretary for Natural Resources and Environment, U.S. Department of Agriculture
>
> Mr. Chairman and Members of the Subcommittee: We are pleased to join the Subcommittee in its deliberation of four bills that affect the programs and activities of the National Forest System. I will discuss each of the bills separately.
>
> * * * * *
>
> S. 1503—CONVEYING A REVERSIONARY INTEREST IN CERTAIN LANDS TO THE STATE OF DELAWARE
>
> S. 1503 would direct the Secretary of Agriculture to release a reversionary interest in about 6.21 acres of land located in Sussex County, Delaware, which was conveyed by grant to the State of Delaware by the Secretary of Agriculture in September 1954. The release would be contingent upon certification by the State to the Secretary of Agriculture that a tract of at least 6.21 acres of similar character has been dedicated to public purposes.
>
> The tract of land identified in S. 1503 is part of a 1,550-acre tract conveyed to the State under authority of Section 32(c), Title III of the Bankhead-Jones Farm Tenant Act of 1937 for the purpose of establishing the Assawoman Wildlife Area. The area is located on the coast south of Bethany Beach and adjoins Assawoman Bay. The conveyance was subject to the condition that the land be used for public purposes with a provision for reversion to the United States if the condition was violated.
>
> The 6.21 acres represent an encroachment by an adjoining private subdivision onto the State land. The encroachment results from an October 1953 private survey for the Bayview Park Subdivision—the plat for which was recorded in 1961. There are 39 separate lots involved of which a majority are reported to be improved with dwellings. The encroachment became apparent as a result of a comprehensive survey of public lands along the Atlantic Coast in Delaware and Maryland. The resulting plat of survey filed in the Sussex County Office of the Recorder of Deeds creates a cloud on the titles of the Bayview Park lot owners.
>
> Because the bill would resolve this encroachment problem and we understand the State will acquire 8 acres of similar lands and will dedicate them to public purposes to offset the loss of the 6.21 acres, we have no objection to the release of the reverter provision.

Mr. Chairman, that concludes my prepared statement. I will be happy to respond to questions.

Cost Estimate

I

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee estimates that only nominal costs will be incurred by the Federal Government as a result of the enactment of this legislation.

II

The cost estimate prepared by the Congressional Budget Office is consistent with the Committee's estimate. The letter to Chairman Helms from that Office reads as follows:

U.S. Congress,
Congressional Budget Office,
Washington, D.C., October 24, 1983.

Hon. Jesse Helms,
Chairman, Committee on Agriculture, Nutrition and Forestry, U.S. Senate, Russell Senate Office Building, Washington, D.C.

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 1503, a bill to release the reversionary clause by the Federal Government on 6.21 acres in the deed to the land conveyed to the State of Delaware September 24, 1954, as ordered reported by the Senate Committee on Agriculture, Nutrition and Forestry, October 19, 1983.

This bill removes a public purpose reversionary clause from the title of certain lands adjacent to the Assawoman Wildlife Area, Delaware in order to make possible a proposed land exchange between the state and a private party. The public use requirement would be transferred to the lands received by the state. Based on this review, it appears that no significant cost to the federal, state or local governments will be incurred as a result of enactment of this legislation.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

Rudolph G. Penner,
Director.

Regulatory Impact Statement

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact that would be incurred in carrying out S. 1503.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses; nor will there be an effect on personal privacy since the purpose of the bill is only to direct the Secretary of Agriculture to release a reversionary interest, held by the United States, in a 6.21-acre tract of land. A small amount of paperwork will result from the enactment of S. 1503, in the form of legal documents that must be filed to consummate the release.

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Calendar No. 508

98TH CONGRESS
1st Session

SENATE

REPORT
No. 98-288

ADDITION TO THE GREEN MOUNTAIN NATIONAL FOREST

OCTOBER 31, 1983.—Ordered to be printed

Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, submitted the following

REPORT

[To accompany H.R. 24]

The Committee on Agriculture, Nutrition, and Forestry, to which was referred the bill (H.R. 24) to make certain land owned by the United States in the State of New York part of the Green Mountain National Forest, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

SHORT EXPLANATION

H.R. 24 makes all land owned by the United States that is within the Hector land utilization project, located in Seneca and Schuyler Counties in the State of New York, or that is hereafter acquired for inclusion in that project, a part of the national forest system and specifically a part of the Green Mountain National Forest.

For purposes of the statutes making 25 percent of the receipts from national forests available to States within which the forests are located, the bill provides that all moneys paid to the State of New York as its share of the moneys received from the Green Mountain National Forest shall be based on receipts from the lands in such forest that are within the State of New York.

BACKGROUND AND NEED FOR THE LEGISLATION

H.R. 24, as reported by the committee, has the effect of incorporating the Hector land utilization project, located in Seneca and Schuyler Counties in the State of New York, into the Green Mountain National Forest.

The Hector land utilization project contains 13,232 acres and represents the only lands in the State of New York administered by the Forest Service. The Hector project was one of many initiated in the

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1930's as a part of the Federal agricultural adjustment program under the authorities of the National Recovery Act, the Emergency Relief Act, and the Bankhead-Jones Farm Tenant Act. The Secretary of Agriculture was directed to develop a program of conservation and land utilization, including the retirement from cultivation of lands that were submarginal or that were not primarily suitable for cultivation.

Approximately 80,000 acres in New York were purchased under this program by the Federal Government. Many of these lands were subsequently leased to the State; ultimately, most were granted to the State. The Hector project, consisting of more than 100 farms, was not near State land, as were many of the other areas, and thus it has remained in Federal ownership. In 1938, the Soil Conservation Service initiated a pilot program to demonstrate sound land use and management of the pasture, woodland, and wildlife resources on the project lands. One result of this was the formation of the Hector Grazing Association in 1946 to facilitate the use of the forage resource.

In 1954, the Hector project was placed under the administration of the Forest Service. The area has been managed under the multiple-use concept as a Ranger District of the Green Mountain National Forest, which is located in the State of Vermont. Although the Hector area has been administered as a part of the Green Mountain National Forest, it has retained its legal status as a land utilization project and has never officially been included within a national forest or national grassland. Because of this, the Hector unit is subject to sale by the Federal Government without congressional approval.

The Hector unit was identified in the administration's asset management program as part of about 46,000 acres of remaining land utilization projects managed by the Forest Service. There are 15 such tracts in 11 States that have not been included in a national forest or national grassland. In November 1982, the Department of Agriculture announced that studies would be made of the Hector project and one other unit to determine the potential impact of selling them.

A series of three public meetings was held by the Department in the fall of 1982 at locations near the Hector unit. A total of 520 written and oral public comments plus 7 petitions with more than 8,200 signatures were received. These comments overwhelmingly opposed the sale of the Hector land utilization project. Concerns included the possible loss of public benefits such as outdoor recreation, wildlife habitat, grazing, firewood, and environmental education. Proponents of Federal retention argued that the area supports tourism and the local economy, the area attracts people to visit or move to the region, the area is valued for environmental education and for demonstration purposes, and the area is one of the larger holdings of public land in the State.

As noted previously, the Hector land utilization project is managed under the multiple-use concept and yields multiple benefits. Commercial timber stands cover approximately 6,100 acres, or 46 percent of the area. About 400,000 board feet of timber are harvested annually for sawlogs, cabin logs, and firewood. At present, nearly 5,000 acres of improved pasture provide grazing for 2,000 cattle owned by 75 members of a grazing association during a 5-month season.

The Hector project provides close to 25,000 visitor days of recreation use each year. This use includes hunting, fishing, camping, picnicking, berry picking, hiking, horseback riding, snowmobiling, and ski touring. There are 2 campgrounds, 25 miles of trails, and 11 parking areas for recreational use in the project. The area is also used extensively for environmental education and demonstration by colleges, universities, high schools, grade schools, and youth groups. Cornell University and Syracuse University use the Hector project for multiple academic purposes, including forestry research that has benefited forestland throughout the United States.

Wildlife and habitat management programs have succeeded in providing vegetative diversity and abundant wildlife. Game species include white-tailed deer, turkey, grouse, and rabbit. Small mammals such as fox and muskrats populate the woodlots and ponds, as do a variety of ducks, songbirds, and hawks. The area has 80 ponds, 27 of which are devoted entirely to providing wildlife habitats.

H.R. 24 was passed by the House of Representatives on July 18 by voice vote under suspension of the rules. It was cosponsored in the House by the entire New York delegation. S. 129, a comparable bill, was introduced in the Senate by Senator D'Amato and Senator Moynihan.

In view of the special circumstances that surround the Hector project, the committee believes that it should be made a part of the national forest system. This action merely establishes as law that which is already established in fact.

COMMITTEE CONSIDERATION

Hearings

On September 22, 1983, the Subcommittee on Soil and Water Conservation, Forestry, and Environment, chaired by Senator Jepsen, held hearings on H.R. 24 and S. 129, the companion Senate bill.

The Honorable John B. Crowell, Jr., Assistant Secretary of Agriculture for Natural Resources and Environment, testified on behalf of the Department of Agriculture. After reviewing the background of the Hector land utilization project, Mr. Crowell stated that the administration recognizes that there are good reasons for retaining the land in Federal ownership and, therefore, does not oppose enactment of the legislation. However, Mr. Crowell indicated that the administration is very much concerned about the difference between the receipts from the Hector unit and the cost of management for that unit. He urged the committee to consider an amendment to the bill that would authorize the Department of Agriculture to charge proper fees for recreational uses of the Hector unit. He indicated that with proper fees, coupled with improved management and efficiency, the Department should be able to make the Hector unit more nearly break even from a cost and receipts standpoint.

Senator D'Amato and Senator Moynihan, cosponsors of S. 129, strongly opposed any sale of the Hector land utilization project and supported retaining ownership of the unit in the Federal Government and including it as part of the national forest system. Both

stressed the broad range of support for making the Hector unit part of the national forest system, the fact that the Hector area is the only land in the State of New York that is administered by the Forest Service, and the fact that the area provides much needed recreational opportunities in this part of the State.

Both Senator D'Amato and Senator Moynihan strongly opposed the amendment suggested by the Department of Agriculture. They argued that it would not be equitable to single out a particular area in just one State for a kind of experimental special payment program when the same requirements are not applied in other areas.

Mr. Rexford A. Resler testified on behalf of the American Forestry Association. Mr. Resler stated that while there was merit to the basic idea of selling or otherwise conveying surplus Federal property to the private sector or to public institutions, the American Forestry Association supports the passage of legislation protecting the Hector land utilization project from possible sale by making it a part of the Green Mountain National Forest. He further stated that lands such as the Hector unit were purchased with public money and now serve valuable public purposes, and the fact that they are isolated from the main body of a national forest does not make them unmanageable or surplus. With respect to the recreation user fee amendment suggested by the Department of Agriculture, Mr. Resler urged that any review and application of recreation user fees should be on a uniform basis and not just with respect to one unit or even just with respect to the national forest system.

Statements were also received in support of H.R. 24 and S. 129 from Congressmen Frank Horton and Stan Lundine, who represent affected congressional districts in the State of New York and who are the original cosponsors of the House bill.

Committee Markup

On October 19, 1983, the committee met in open session and considered H.R. 24 and S. 129. After an explanation of the bills and discussion by the committee, it was determined that the amendment suggested by the Department of Agriculture should not be added to the bill. The committee will have an opportunity to consider other general forestry matters before the end of this Congress and the issue of recreation user fees can be considered at that time.

By voice vote the committee agreed to report H.R. 24, in lieu of S. 129, to the Senate with the recommendation that it pass.

SECTION-BY-SECTION ANALYSIS

H.R. 24 provides that all land owned by the United States within the Hector land utilization project, which is located in Seneca and Schuyler Counties in the State of New York, and all land that may hereafter be acquired by the United States for national forest purposes for inclusion in the project, shall be deemed to be part of the Green Mountain National Forest and the national forest system. The bill provides that such land would also be subject to the Weeks Act of March 1, 1911 (16 U.S.C. 480 et seq.), and to all laws, rules, and

regulations applicable to national forest lands acquired under that act.

H.R. 24 also provides that for the purposes of the acts of May 23, 1908 and March 1, 1911 (16 U.S.C. 500) (providing for payment of 25 percent of the receipts from each national forest to the State in which the forest is located), the amount that is paid to the State of New York as its share of moneys received from the Green Mountain National Forest will be based on the receipts from the lands in such forest that are within the State of New York. Under current law, when a national forest is in more than one State, the 25-percent share of the receipts from that forest is divided between the States in which the forest is located in proportion to the acreage of the forest located in each State. The effect of this provision of H.R. 24 will be to insure that New York's share of the receipts from the Hector project will not be diminished by reason of the inclusion of the land in a national forest that is in the State of Vermont.

ADMINISTRATION VIEWS

As indicated previously, Assistant Secretary of Agriculture John B. Crowell, Jr., testified before the Subcommittee on Soil and Water Conservation, Forestry, and Environment on September 22, 1983, that the Department of Agriculture had no objection to H.R. 24 if revenues can be increased to help close the gap between management costs and receipts. The portion of Mr. Crowell's statement relating to H.R. 24 reads as follows:

STATEMENT OF JOHN B. CROWELL, JR., ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT, U.S. DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee: We are pleased to join the Subcommittee in its deliberation of four bills that affect the programs and activities of the National Forest System. I will discuss each of the bills separately.

S. 129/H.R. 24.—To Make the Hector Land Utilization Project, New York, a Part of the Green Mountain National Forest

S. 129 and H.R. 24, as introduced, were identical bills to place the Hector Land Utilization Area in Seneca and Schuyler Counties, New York, within the boundaries of the Green Mountain National Forest, thus making it a part of the National Forest System. H.R. 24, as passed by the House July 18, was amended to insure that receipts paid to the State resulting from activities on the area would not be diminished as a result of passage of the bill. A second amendment adopted by the House requires that National Forest System status would apply to any lands acquired by the United States and added to the Hector Unit. We have no objection to the House amendments if revenues can be substantially increased to help close the gap between management costs and receipts.

We want to bring to the Subcommittee's attention our concern about the gap between receipts generated by the Hector Unit and its costs of management. We strongly urge the Subcommittee to adopt an amendment to the bill that would allow us to charge fees for recreation uses permitted in the unit that are commensurate with value of the uses provided and the costs of providing such use, which would reduce the drain on the Treasury of the United States which this Land Utilization Project now causes.

The Hector Land Utilization Project contains only 13,232 acres and represents the only lands in the State of New York administered by the Forest Service. It is approximately 300 miles removed from the Green Mountain National Forest into which this legislation would incorporate the area. The Hector Project was one of many initiated in the 1930's as a part of the Federal Agricultural Adjustment Program under the authorities of the National Recovery Act, the Emergency Relief Act, and the Bankhead-Jones Farm Tenant Act. The Secretary of Agriculture was directed and authorized to develop a program of conservation and utilization, including the retirement from cultivation of lands which were submarginal or which were not primarily suitable for cultivation.

Approximately 80,000 acres in New York were purchased under this program by the Federal Government. Many of these lands were subsequently leased to the State; ultimately, most were granted to the State. The Hector Project, consisting of more than 100 farms, was not near State land as were many of the other areas, and thus it has remained in Federal ownership. In 1938, the Soil Conservation Service initiated a pilot program to demonstrate sound land use and management of the pasture, woodland and wildlife resources on the project lands. One result of this was the formation of the Hector Grazing Association in 1946 to facilitate the use of the forage resource.

In 1954, the Hector Project was placed under the administration of the Forest Service. The area has ever since been managed by the Green Mountain National Forest under the multiple-use concept. Although the Hector Area retains its legal status as a land utilization project, it is administered as a Ranger District of the Green Mountain National Forest; the headquarters for which is in Rutland, Vermont.

The District Ranger's office is at Montour Falls, New York. The District staff consists of the District Ranger and four other employees. The project, at 13,232 acres, is an unusually small Ranger District. The average District in the Forest Service's Eastern Region is more than 130,000 acres. This small size significantly increases the management costs per acre.

The Hector unit was identified in the Asset Management Program as part of about 46,000 acres of remaining land utilization projects managed by the Forest Service. There are 15 such tracts in 11 States which have not been included in a National Forest or National Grassland. In November of 1982,

we announced that studies would be made of the Hector and one other unit to determine whether or not they were good candidates for sale.

A series of three public meetings was held in the fall of 1982 at locations near the Hector unit. A total of 520 written and oral public comments plus 7 petitions with more than 8,200 signatures were received. These comments overwhelmingly opposed the sale of the Hector Land Utilization Project. Concerns included the possible loss of public benefits such as outdoor recreation, wildlife habitat, grazing, firewood, and environmental education. Proponents of retention argued that the area supports tourism and the local economy, the area attracts people to visit or move to the region, the area is valued for environmental education and for demonstration purposes, and that the area is one of the larger holdings of public land in the State.

The final decision as to whether to recommend sale of the Hector unit was to be made not just on public input, but on overall policy, economic, and equity considerations. Our review of the preliminary resource, economic and social data collected for the area points out some important considerations. It appears that most of the use of the Hector unit is by local residents with some use by other State residents, but with very little use by people from outside of New York. This raises the question of why Federal ownership is necessary for land that serves primarily local residents. This question deserves careful evaluation.

It also appeared that the Hector unit was a burden to the general taxpayer. In 1982, the budget for managing the unit was more than $185,000 while receipts were less than $25,000. When costs exceed returns by this margin, we must carefully look at whether this is the best way to manage and use these lands.

We believe the Congress ought to be concerned about the difference between receipts and cost of management for the Hector Unit. We know that part of this gap can be closed by making efforts to reduce costs and improve management efficiency. In fact, I have personally directed that this be done. For example, in 1983 the Forest Service is collecting only $.55 per animal month for grazing. We expect to adjust fees under existing authorities more closely to reflect fair market value of the grazing resource. This could provide enhanced receipts of an estimated $26,600.

A second area which deserves serious consideration is the need for the Forest Service to be able to charge reasonable fees for recreation use of the area. There are more than 25,000 visitor days of recreation use each year. The only fees collected are from overnight campers using the family campground and at a group campground. These fees currently are approximately $700 annually. We believe it is entirely proper and equitable for all recreation users to pay reasonable admission and/or use fees for recreational opportunities provided on this area.

Thus, we urge this Committee to consider an amendment that would provide for charging proper fees for recreational uses of the Hector unit. We believe that with proper fees, coupled with improved management and efficiency, we should be able to make the Hector unit more nearly break even from a cost and receipts standpoint. A suggested form for such an amendment is attached to this statement.

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USDA SUPPLEMENTAL STATEMENT, H.R. 24/S. 129

Recommended Amendment

Add a section 2 to the bill as follows:

"SEC. 2(a) Notwithstanding any other provision of law, the Secretary of Agriculture is hereby authorized to charge reasonable fees for the recreation use of the Hector Unit of the Green Mountain National Forest.

(b) All recreation fees which are collected shall be covered into a special account in the Treasury of the United States and available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the unit from which the fees were collected."

COST ESTIMATE

I

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the committee estimates that no additional cost will be incurred by the Federal Government as a result of the enactment of this legislation.

II

The cost estimate prepared by the Congressional Budget Office is consistent with the committee's estimate. The letter to Chairman Helms from that office reads as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., October 20, 1983.

Hon. JESSE A. HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 24, a bill to make certain land owned by the United States in the State of New York part of the Green Mountain National Forest, as ordered reported by the Senate Committee on Agriculture, Nutrition, and Forestry, October 20, 1983.

This bill adds certain federally owned land in the State of New York to the Green Mountain National Forest. It also provides that the amount of Federal timber receipts from these lands paid to the

State of New York will continue to be based on current practices. As a result, it is expected that no additional cost to the Federal, State, or local governments would be incurred as a result of enactment of this bill.

Should the committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

JAMES BLUM
(For Rudolph G. Penner,
Director).

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact that would be incurred in carrying out H.R. 24.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses; nor will there be an effect on personal privacy. The bill merely makes the federally owned Hector land utilization project part of a national forest. Currently, there are certain regulations with which persons using the Hector area must comply. Persons affected by these regulations would include the 75 members of the grazing association who use part of the area for grazing, persons who contract for the removal of timber, and recreation users, including those who use the 2 campgrounds. Since the Hector area is now administered by the Forest Service under the same principles applicable to national forests, there will be no change in the requirements applicable to persons using the area after enactment of the bill. No additional paperwork is anticipated as a result of enactment of the bill.

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